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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,902	09/28/2001	Makoto Hirota	1232-4775	5673

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EXAMINER
SHINGLES, KRISTIE D

ART UNIT	PAPER NUMBER
2141	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/966,902	HIROTA, MAKOTO	
	Examiner	Art Unit	
	Kristie D. Shingles	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 March 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2,6,8,9 and 30-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2,6,8,9 and 30-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Per Applicant's Request for Continued Examination
Claims 2, 8 and 9 have been amended.
Claims 1, 3-5, 7 and 10-29 have been cancelled.

Claims 2, 6, 8, 9 and 30-33 are pending.

Continued Examination Under 37 CFR 1.114

I. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/28/2007 has been entered.

Response to Arguments

II. Applicant's arguments with respect to claims 2, 8 and 9 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

III. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

IV. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The preamble of Claim 9 is unclear regarding the means possessed by the computer and the functionality of the computer readable program in causing the computer to have such means. Correction and/or clarification are required.

Claim Rejections - 35 USC § 103

V. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

VI. Claims 2, 6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Kubota et al* (USPN 5,754,172) in view of *Tsujimoto* (USPN 6,271,841) and further in view of *DeBonet et al* (USPN 7,058,694).

a. **Per claim 2**, *Kubota et al* teach a receiving apparatus, which is communicably connected to a transmitting apparatus that transmits news information that contains text, for receiving the news information from said transmitting apparatus, comprising:

- receiving means for receiving the news information from said transmitting apparatus (*col.4 lines 40-53*); and

- voice output means for outputting the text content of the received news information as a voice in an order predetermined for every genre of news information based upon the content of the news information (*Figure 9, col.2 lines 6-65, col.3 lines 19-48, col.4 lines 40-53, col.10 lines 25-52, col.12 lines 51-53, col.14 lines 4-67, col.15 lines 40-55, col.17 lines 50-56; provision for voice output of news information*).

Kubota et al fail to explicitly teach display means for displaying an animation, which imitates a speaking individual, in conformity with the output of said voice. However *Tsujimoto* teaches displaying an animation speaking, synchronizing the mouth movements with the voice output (*Abstract, Figure 9, col.3 lines 6-29 and 42-59, col.14 lines 9-45*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Kubota et al* with *Tsujimoto* in order to provide a image that audibly outputs the news information in synchronization with the voice output, because this allows for a visual presentation of the news to be displayed.

Although *Kubota et al* teach the determining step for determining the degree of importance of the content of the news articles by implementing significance degrees, wherein significance degrees are annexed with news articles for determining the output order of the news data and outputting the news as voice (*col.4 lines 57-62, col.14 lines 62-67, col.17 lines 57-67*). *Kubota et al* and *Tsujimoto* both fail to explicitly teach retaining means for retaining the received news information in a storage device; outputting the text content of the received news information retained in the storage device as a voice in an order predetermined and determining means, when said receiving means receives fresh news information, for determining degree of importance of the content of the fresh news information; wherein said voice output means outputs the text content of the fresh news information as a voice preferentially if said determining means determines the degree of importance of the content of the fresh news information is higher than that of the content of the news information is retained in the storage device and is outputted next according to the order. However, *DeBonet et al* teach a system for determining from the user's profile information a degree of importance from what types of news

the user prefers to hear and the frequency at which a specific type of news is received, while retaining the news content in a file server and data storage device and outputting the news as voice (*col.2 lines 36-54, col.3 lines 8-11, col.4 lines 20-35, col.7 lines 29-60, col.8 lines 52-55, col.9 line 44-col.10 line 54, col.11 line 19-col.12 line 34, col.22 lines 1-21*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Kubota et al* and *Tsujimoto* with *DeBonet et al* for the purpose of provisioning preferences to the user, along with animation and designation capabilities for ordering the news data according to their preference and allowing for the designation to be based on the type and relevance of the news information to the user—this gives the user control over the sequencing of the news and allows the user to decide what genre of "fresh" news the user deems important enough to hear before the other news.

b. **Claims 8 and 9** contain limitations that are substantially equivalent to claim 2 and are therefore rejected on the same basis.

c. **Per claim 6,** *Kubota et al* and *Tsujimoto* with *DeBonet et al* teach the apparatus according to claim 2, *Kubota et al* further teach the apparatus, wherein the order is capable of being set by a user (*Figure 9, col.2 line 2-col.3 line 48,col.10 line 41-col.11 line 50, col.15 lines 1-56, col.17 lines 57-67*; *DeBonet et al*: *col.9 line 44-col.10 line 54*).

VII. Claims 30 - 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Kubota et al* (USPN 5,754,172) in view of *Tsujimoto* (USPN 6,271,841) and *DeBonet et al* (USPN 7,058,694) further in view of *Stahl* (USPN 7,072,932).

d. **Per claim 30,** *Kubota et al* and *Tsujimoto* with *DeBonet et al* teach the apparatus according to claim 2 as applied above. Although *Kubota et al* teach output textual news content

as voice (*col.4 lines 57-62, col.14 lines 62-67, col.17 lines 57-67*), Kubota fails to explicitly teach wherein it is notified that said voice output means outputs the text content of the fresh news information as a voice preferentially. However, *Stahl* teaches a notification means that allows users to select how they prefer to receive the news content—either in audio, video or text format (*Abstract, col.1 lines 37-48, col.2 lines 15-23, col.3 lines 1-12 and 37-59, col.7 lines 8-19*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Kubota et al*, *Tsujimoto* and *DeBonet et al* with *Stahl* by responding to the user's selection to receive news in an audio format, thus enabling a user to choose desired formats for receiving the news—either in audio, video or text format—depending on the user's capabilities of the reception device or based on the user's desired format for receiving the news content.

e. **Claims 31 and 32** are substantially equivalent to claim 30 and are therefore rejected under the same basis.

f. **Per claim 33,** *Kubota et al* and *Tsujimoto* with *Stahl* teach the apparatus according to claim 2, *Stahl* further teaches wherein said display means displays a caster animation, and the caster animation is changed when said voice output means outputs the text content of the fresh news information as a voice preferentially (*col.3 lines 51-59, col.5 lines 46-57, col.7 lines 8-19*).

Conclusion

VIII. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Mackinnon (6,016,158) and Kohno (2001/0027398).

IX. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie D. Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie D. Shingles
Examiner
Art Unit 2141

kds

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER